

**Amendments to the Claims**

Please amend Claims 1, 2, 5, 9, 10, 13, 14, and 17. The Claim Listing below will replace all prior versions of the claims in the application:

**Claim Listing**

1. (Currently Amended) An apparatus for assisting in the remote safe opening of a tailgate pivotally attached to a bed of a truck, comprising:
  - an electro-mechanical actuator positioned inside the tailgate arranged to open tailgate latches; and
  - a module ~~which~~ that controls a descent of the tailgate upon opening of the tailgate latches, wherein the module includes a pre-tensioned spring ~~with and a~~ lost motion mechanism that arrests the tailgate in a partially opened position.
2. (Currently Amended) The apparatus of Claim 1, wherein the electro-mechanical actuator provides for electro-mechanical opening of the tailgate latches or opens the tailgate latches without interfering with a manual opening of the tailgate latches.
3. Canceled.
4. (Previously Presented) The apparatus of Claim 1, wherein the pre-tensioned spring is a torsion rod.
5. (Currently Amended) The apparatus of Claim 1, wherein the pre-tensioned spring is a spiral wound ~~spring linkage on the tailgate~~.
6. (Original) The apparatus of Claim 1, further comprising an electrical switch which sends a warning signal indicating the tailgate is ajar.

7. Canceled.
8. Canceled.
9. (Currently Amended) An method for assisting in the remote and safe opening of a tailgate pivotally attached to a bed of a truck, comprising:
  - opening tailgate latches with an electro-mechanical actuator positioned inside the tailgate; and
  - upon opening of the tailgate latches, controlling a descent of the tailgate with a module by arresting the tailgate in a partially opened position, the module including with a pre-tensioned spring with and a lost motion mechanism.
10. (Currently Amended) The method of Claim 9, wherein opening tailgate latches with an electro-mechanical actuator provides for electro-mechanical opening of the tailgate latches or is accomplished without interfering with a manual opening of the tailgate latches.
11. Canceled.
12. (Previously Presented) The method of Claim 9, wherein the pre-tensioned spring is a torsion rod.
13. (Currently Amended) The method of Claim 9, wherein the pre-tensioned spring is a spiral wound spring ~~linkage on the tailgate~~.
14. (Currently Amended) The method of Claim 9, further comprising indicating the tailgate is ajar through a warning indicator.
15. Canceled.

16. Canceled.
17. (Currently Amended) An apparatus for remotely opening a tailgate of a truck, comprising:
  - means for actuating tailgate latches to open the tailgate; and
  - means for arresting the tailgate in a partially opened position, wherein the means for arresting includes a pre-tensioned spring and a lost motion mechanism.